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CIA Request Halts Action On 'Rights'

WASHINGTON — Following a last-minute request from the Central Intelligence Agency, the Senate postponed consideration of the federal employees' rights bill. Although the bill was scheduled for floor debate just days before the Labor Day recess, the CIA asked that it be granted a secret hearing before the Judiciary Committee. The CIA and National Security Agency want to be totally excluded from the provisions of the bill. It is now expected that the bill will not be acted on until mid-September at the earliest.

In an address protesting the Senate's action, Sen. Sam J. Ervin (D-N.C.), sponsor of S. 1035, said that the CIA's request is without precedent. "I see no practical or policy reasons for granting this request and I find no constitutional grounds for it," Ervin said. "It is neither necessary nor reasonable," he added.

Ervin pointed out to the Senate that this is the first time during the past year that the CIA has even attempted to appear before the committee. Representatives of CIA and NSA, he said, informed him when his constitutional rights subcommittee held hearings on the

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bill that the agencies did not desire a hearing. However, he added, the agencies have been in constant communication with him and the subcommittee staff to keep abreast of all the developments.

The North Carolina Senator said that he "would welcome nothing with more delight" than for CIA officials to appear at an open hearing before the committee. In this way, Ervin said, he could make it clear that his "bill of rights" for federal employees has been amended "to meet every valid objection the CIA voiced to the original version." He said that CIA submitted a ten-page statement marked "Secret" to his subcommittee.

The rights bill which the Senate is to consider has already been amended by the Judiciary Committee to give some exemptions to the CIA and NSA, Ervin said. He emphasized that these exemptions should not have been granted. As amended, the bill allows CIA and NSA to ask employees to disclose information regarding their finan-

cial assets if the agencies determine that such information is necessary to protect the national security.

Ervin stressed that he is completely opposed to any secret meeting with the CIA to hear "reasons which cannot be divulged to the American people why their employees should be robbed of the dignity and the freedom which all Americans enjoy." He said that such testimony is not compatible with a free society. It should not be the basis for any legislation which affects the rights of Americans, he added.

"Taken all together, their arguments for complete exemption suggest only one conclusion—that they want the unmitigated right to kick federal employees around, deny them respect for individual privacy and the basic rights which belong to every American regardless of the mission of his agency," Ervin said.

Senator Roman L. Hruska (R-Nebr.), one of the bill's 55 co-sponsors, wanted to know if CIA's action was to gain time to persuade Senate members to support its position. He pointed out that such lobbying by federal employees is prohibited by law.

Ervin, who quoted the statute at the outset of his remarks, said that he was suggesting that "if the CIA could leave its polygraph machine long enough" it might have time to determine if officials were violating the lobbying statute. However, he said, despite information which he has received, he hopes "that the presumption of innocence will continue to surround the CIA."

Both Senators supported the intent of the bill to protect federal employees "from the good intentions of the government." The bill is designed to guarantee individuals their constitutional rights and to prevent unwarranted governmental invasions of privacy. The language of the bill specifically prohibits oral and written questions on the subject of race, religion, national origin, personal beliefs and off-duty conduct. It also prohibits agencies from requiring employees to donate time or money to projects and fund drives.

Sen. Hruska pointed out that the bill does more than declare the sense of Congress. The bill not only contains the guarantee of constitutional rights but it also has effective enforcement provisions which protect both the employee and the employer.

"It is designed to insure the employee an effective remedy for a wrong while still protecting the employer from unjustified charges," Hruska said. He added that the employee can go either to the court or to the Employee Rights Board which would be created under this bill.

In opposing CIA's action, Ervin said the basic premise of his bill "is that a man who works for the federal government, even if he works for the CIA or NSA, sells his services, and not his soul."

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